

Stevenson, Todd A.

124

From: PAULA YUMA [PAULA.YUMA@childrens.com]
Sent: Wednesday, December 14, 2005 10:47 AM
To: Stevenson, Todd A.
Subject: Potential Spam: ATV ANPR

To whom it may concern:

I am deeply concerned about the increasing number of children injured and killed while using all terrain vehicles. In the past 4 years, we have treated 125 children under the age of 14 for serious injuries sustained on ATVs. Some of these children are as young as 2 years old.

I respectfully request that the CPSC heed the recommendations of the American Academy of Physicians, Safe Kids Worldwide, and many other agencies by passing regulatory measures that will help keep children under the age of 16 off ATVs.

Specifically, I urge the CPSC to:

- CPSC must issue a mandatory rule that prohibits the sale of adult-size ATVs for use by children under age 16.
- In light of the serious and persistent threat that ATVs pose to children, particularly those between ages 12 and 15, CPSC must not promote efforts to develop a new generation of larger, faster and more powerful ATVs for older children (the so-called "transitional ATV").
- CPSC should evaluate the current ATV training program and seek to determine why such a low percentage of ATV riders obtain such training and whether training sessions are accessible to ATV purchasers and riders. CPSC should also evaluate the substance of such training to ensure that necessary information and skills are being communicated.
- CPSC should require that death and injury information from the most recently available CPSC Annual Report on All-terrain Vehicle (ATV)-Related Deaths and Injuries be communicated to ATV purchasers at the point of sale.

Sincerely,

Paula Yuma, MPH, CHES
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Children's Medical Center Dallas
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Progressive Agriculture Foundation

Progressive Farmer Farm Safety Day Camps®

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December 10, 2005

Office of the Secretary
 Consumer Product Safety Commission
 Room 502
 430 East-West Highway
 Bethesda, MD 20814-4408

Dear ATV Safety Committee:

Please accept these comments on the use of ATVs by children and how the *Progressive Farmer Farm Safety Day Camp®* program teaches children throughout North America and American Samoa to stay safe on and around ATVs. Included with this information is a copy of the lesson plan used by the local community volunteers who teach this topic. In addition, I am including a copy of the video produced by our staff to help the local camp volunteers conduct appropriate ATV safety demonstrations.

Thank you for your consideration of this information. I will be glad to provide further information if needed.

Sincerely,

Susan J. Reynolds

Susan J. Reynolds
 Executive Director – Programs

Susan J. Reynolds, Executive Director – Programs, P.O. Box 530425, Birmingham, AL 35253

Phone: 888-257-3529 Fax: 205-871-2137 E-mail: farmsafetyday@aol.com

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Progressive Farmer Farm Safety Day Camp® Program
Teaches Children to Stay Safe On and Near ATVs

I would like to address two of the areas that the Consumer Product Safety Commission requested information on: 1) programs that are providing ATV training, and 2) current use patterns. As background, I am Executive Director for the Progressive Farmer Farm Safety Day Camp® program. In 2006, we will work with local volunteers to conduct approximately 365 one-day educational programs for children and youth in the U. S., Canada, U.S. Virgin Islands, and American Samoa. These camps will reach up to 80,000 children and 22,000 volunteers. The program is growing, with the number of camps increasing by approximately 10% each year.

Included in the list of topics taught at camp is safety around motorized vehicles such as tractors, combines, pick-up trucks, skid-loaders, and ATVs. Coordinators tell us they teach these topics because they see local children being injured or killed by these vehicles. Of these vehicles, coordinators report that the use of ATVs by children and youths from both farm and non-farm areas is increasing. They find that children who live on the farm may be expected to drive or ride on ATVs to carry-out daily chores. Where as ATVs were once a novelty on farms, today they are an integral part of farm life and work. They are used for everything from getting the mail, to checking fields, to feeding stock. In addition, non-farm children who visit a rural setting may often experience ATVs as their first self-propelled motorized vehicle experienced.

Parents may be aware of the risks associated with ATVs. However, they may be so busy that they neglect to give children proper instruction and supervision. In rural areas guidelines governing ATV use can be difficult to enforce and un-welcomed by farm families who value the freedom of their lifestyle.

Our answer to this is education. Volunteers who coordinate our camps receive training and a manual that contains in-depth, hands-on, age-appropriate, safe and fun lessons on a variety of topics, including ATV safety. Following the guidelines of the ATV Safety Institute and the National 4-H ATV Program, both farm and non-farm children learn to:

- 1) Identify safe and responsible use of ATVs including wearing proper protective gear.
- 2) Identify hazards associated with ATVs.
- 3) Understand that while ATVs can perform as valuable farm equipment, they are not "farm play things."
- 4) Explain why ATVs must be the "right-size" for the operator.
- 5) Understand that ATV instructional classes are available through dealers and should be completed before operating a vehicle.
- 6) Identify state ATV laws.

We have been successful in helping children stay safer around ATVs. Pre-camp and 1-year post-camp data collected in 2002, indicated that helmet usage when riding an ATV increased by 62 percent for those who participated in an ATV safety learning station. In addition, the number of children driving ATVs decreased, as did the number of children riding as passengers either with a parent or friend.

Of the 324 *Progressive Farmer Farm Safety Day Camps®* held during 2005, 202 camps included ATV Safety as one of the eight to ten topics taught at their camp. As a result, more than 38,000 campers and almost 12,000 volunteers are safer on and around ATVs. And, as important, we have found that not only do the campers learn and become safer around ATVs, but that they are sharing what they learn and are influencing family members and friends to follow safety guidelines.

Progressive Farmer Farm Safety Day Camp® Program
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In summary, we feel that education is a key component of ATV safety and strongly encourage children to become involved in ours or other similar programs. And, I would be remiss if I did not stress the importance of government and industry support (including the support that we receive from Kawasaki Motors Corporation, U.S.A.) for non-profit educational programs such as the *Progressive Farmer* Farm Safety Day Camp® program.

Prepared by: Susan J. Reynolds
Executive Director – Programs
Progressive Agriculture Foundation
Progressive Farmer Farm Safety Day Camps®
1-888-257-3529
farmsafetyday@aol.com
12/9/05

ATV SAFETY

Learning Objectives

After completing this station, participants should be able to:

1. Identify safe and responsible use of ATVs, including wearing proper protective gear.
2. Identify hazards associated with ATVs.
3. Understand that while ATVs can perform as valuable farm equipment, they are not “farm play things.”
4. Explain why ATVs must be the “right-size” for the operator.
5. Understand that ATV instructional classes are available through dealers and should be completed before operating a vehicle.
6. Identify state ATV laws.

Safety Requirements

1. ATVs should be moved to and removed from demonstration when participants are NOT present.
2. Only move ATVs if necessary as part of the demonstration. Participants must be supervised and must be 20 feet behind a designated safety zone such as a rope or yellow safety tape.
3. Instructor should keep ATV keys with them at all times. Do not leave the keys in the ATV.
4. Make sure ATV parking brake is set when unit is parked. Chock wheels for safety.
5. Participants cannot operate ATVs.
6. If allowed to sit on an ATV, participants should have one-to-one supervision with the other participants behind the safety zone.
7. Instructors can operate ATVs if they are the appropriate age for the ATV. Instructor operating ATVs must wear recommended safety gear.
8. If an ATV is started for demonstration purposes, have three instructors present: one to operate, one to instruct and one to patrol the area for safety. Both the instructor and the operator should be the appropriate age.

9. ATVs cannot be operated within 20 feet of participants. Participants should be kept behind the designated safety zone barrier.

Age-Appropriateness

This lesson should be taught to participants who have the potential for operating ATVs. Children under the age of 6 are not legally allowed to operate an ATV. Therefore, this lesson should not be taught to this age group. This age group can be shown what an ATV is and told never to ride, operate, or play around them.

This lesson is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

These ages should not be driving other vehicles so will not understand a comparison to driving motorcycles or cars. Stress instead the speed and limited control. Children between the ages of seven and ten are still developing their speed-distance-time awareness. They need to understand that the ATV will be going much faster than they can run or ride a bicycle.

Younger participants may not be clearly identifying left and right. When explaining shifting weight, talk about shifting on the seat in the direction of where you are turning. Use your body and lead the group in practice turns.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual.

Suggested Instructors

Certified ATV instructor or individuals that have completed a riding course.

Activity/Demonstrations

Choose a Hands-On activity/demo listed below or create your own. Develop your discussion points around the Hands-On activity/demo chosen. If time allows, you may choose more than one activity/demo as part of your safety presentation.

1. **ATV Wise Guys** – During this demonstration participants will view the safety features of ATVs, proper protective gear and how to be 'Rider Active' while learning specific ATV laws and safety points. Par-

Participants will have the opportunity to sit on the ATV to determine their age and size appropriateness to an ATV.

2. **Stop! Don't Use Your Head!** – During this demonstration the participant will view a mock demonstration of what will happen to their head if they do not wear a helmet. This will be demonstrated by a cantaloupe without a helmet and one protected by a helmet.
3. **Gelatin Brain Mold** – During this demonstration the participant will view a mock brain and what will happen to their brain if they do not wear a helmet.

Subject Outline

The following section contains information that can be molded into your chosen Hands-On activity(s). This is only **suggested** content. Choose the discussion points that best meet your objectives and correlates with Hands-On activity/demo you have chosen.

I. Introduction/Capture Their Attention

- A. Introduce yourself and tell about your role operating ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you operate ATVs? What do you use them for? How often? How many of you have been passengers on ATVs? Do you know of anyone who has been injured on an ATV? What happened to them?
- C. You may want to start with a personal story or experience.
- D. You may want to invite a person who has had an injury from operating ATVs to share his or her experiences. Make sure that you communicate to your guest your lesson plan and the time allotted prior to the camp. This will allow the guest to prepare and help them to stay within his or her allotted time to talk.
- E. Discuss unfamiliar terminology: Many individuals do not know that the acronym 'ATV' means, All Terrain Vehicle.

II. Discussion Points

A. General Points

1. The Consumer Product Safety Commission has concluded that all terrain vehicles may present a risk of severe injury and death. ATVs continue to be incorrectly used on many farms.

2. Many people have become paralyzed or suffered severe internal injuries because of improper operation of ATVs.
3. Every month, thousands of people are treated in hospital emergency rooms for injuries received while operating ATVs.
4. ATVs can be hazardous to operate. They handle differently than other vehicles, including motorcycles and cars. A collision or overturn can occur quickly, even during routine maneuvers such as turning and driving on hills or over obstacles.
5. Before operating an ATV, you should carefully read the owner's manual, read warning labels on the vehicle, and attend an ATV instructional class. Instructional classes are available through a local dealer. Heed all warnings!
6. ATVs are intended for off-road use only! ATVs are not designed for operation on highways and may be difficult to control on any paved surface.

B. Protective Gear

Safe operation of ATVs requires that the rider wear protective clothing. Although complete protection is not possible, knowing what to wear and how to wear it can make a rider more comfortable and reduce the chance of injury. The following protective gear should be worn whenever riding an ATV:

1. Helmet – The most important piece of protective gear. The helmet should meet or exceed the Department of Transportation standards. Let participants know how to determine whether or not a helmet meets or exceeds standards. It should fit snugly and be securely fastened.
2. Eye Protection – A clear field of vision is required to ride safely. Select goggles or a face shield to protect the eyes without obstructing fields of vision. Regular sunglasses do not provide proper protection. Protective eyewear should be:
 - a. Free from scratches and bear the markings VESC8, V-8, or Z87.1 in one corner or should be constructed of hard coated polycarbonate.
 - b. Securely fastened.
 - c. Well-ventilated to prevent fogging.
 - d. Tinted for riding on bright days. A yellow tint is best for overcast days.

3. Clothing – Examples of proper protective attire should include:
 - a. A pair of good gloves to increase grip while protecting hands from potential injuries.
 - b. A pair of strong over-the-ankle boots with low heels.
 - c. A long-sleeved shirt and long pants.
 - d. Shin guards and chest/shoulder protectors if riding over rough-terrain or racing.

C. Safe ATV Operation Procedures

1. Discuss examples of safe operating practices. Age and size appropriateness:
 - a. From the back portion of the seat can they reach the handlebars and foot pegs comfortably?
 - b. Depending upon age of participants, you discuss weight-shifting issues.
 - c. Do they have proper grip, throttle, and brake reach.
2. Discuss safe ATV operation on different types of terrain.
 - a. Weight should be shifted to the front of the seat while going up an incline.
 - b. Weight should be shifted to the rear of the seat while going down an incline.
 - c. When making a left turn the weight should shift to the left.
 - d. When making a right turn the weight should shift to the right.
3. Discuss different sizes of ATVs and why some machines are not appropriate for children under certain ages. The discussion should include an explanation of why size is so important to safety and why the incorrect size poses special risks.

ATV Engine Size	Recommended Operator Age
Under 70 cc	6 years and older
70 cc to 90 cc	12 years and older
Over 90 cc	16 years and older

4. Explain differences between three- and four-wheel ATVs, dangers of operation, and special precautions to be taken for each type of vehicle.
5. Encourage participants to take additional certified ATV training before operating an ATV.

6. No passengers. Do not ride double. ATVs are designed for one operator and no passengers to allow for the operator to be 'Rider Active' (Shifting weight from the front of the seat to the rear or left to right while turning.) Passengers impair the driver's ability to shift weight in order to steer and control the ATV.

Resources

1. **National 4-H ATV Program** – The 4-H Community All Terrain Vehicle (ATV) Safety Program offers resources and training to help you address ATV safety issues in your community. Many of the resources are available for little or no charge. Check their Website www.atv-youth.org/ for materials and program information.
2. **National ATV Safety Institute** – The ATV Safety Institute (ASI) is a nonprofit division of the Specialty Vehicle Institute of America (SVIA). They provide all-terrain vehicle safety education and awareness. Check their website www.atvsafety.org for materials and program information.
3. **NAGCAT Guidelines** – Adults can use the North American Guidelines for Children's Agricultural Tasks to match a child's physical and mental abilities with the tasks involved in completing different agricultural jobs. Detailed information can be located at www.nagcat.org.
4. **Resource Guide** 2nd Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.

GELATIN BRAIN MOLD

Learning Objectives

After completing this station, participants should be able to:

1. Understand the fragile nature of the human brain.
2. Understand the importance of wearing a helmet when operating ATVs.

Safety Requirements

No safety requirements beyond the camp requirements are needed.

Age-Appropriateness

This activity is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual for teaching how to deal with peer pressure.

Suggested Instructors

Certified ATV instructor or an individual that has completed a rider course.

Equipment/Supplies Needed

1. 3 large boxes (6 oz. each) peach or watermelon flavored gelatin.
2. 1 can (12 oz.) lite evaporated skim milk-**No other milk will work!**
3. 2 tsp. vegetable oil (for lubricating plastic mold)
4. Green food coloring
5. 3 ½ cups water (total)-2 ½ cups boiled and 1 cup cold water.
6. Jello brain mold

Subject Outline

I. Introduction/Capture Their Attention

- A. Introduce yourself and tell about your role driving ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you operate ATVs? What do you use them for? How often? How many of you are passengers on ATVs? Do you know of anyone who has been injured on an ATV? What happened?

II. Activity/Demonstration

- A. Preparation of the gelatin brain from plastic mold.
 1. Spray or smear small amount of vegetable oil (2 tsp.) inside entire cavity of the plastic mold, wipe out excess oil.
 2. Put flavored gelatin in a large bowl. Add 2 ½ cups boiling water. Stir until completely dissolved, about 3 minutes.
 3. Stir in 1 cup cold water.
 4. Stir in skimmed evaporated milk for 2 minutes (if clear brain is desired, leave out skim milk and add an additional 1 ½ cups of cold water.
 5. Add a few drops of green food coloring to darken to the flesh tone.
 6. Pour gelatin mixture into the plastic mold, but do not fill to the top. Leave approximately one inch of space from the top. Set the mold on the stand that came with your mold and refrigerate.
- B. Extract gelatin brain from plastic mold.
 1. Shake until gelatin loosens from the walls of plastic mold.
 2. Place palm of hand over opening of plastic mold and turn over.
 3. Shake again until the gelatin brain mold plops out onto your palm or plate.
- C. Show the gelatin brain from plastic mold to the participants.
- D. Demonstrate the fragile nature of the human brain.
- E. Review the proper protective gear for the head.

III. Discussion Points

- A. The Consumer Product Safety Commission has concluded that all terrain vehicles may present a risk of severe injury and death. ATVs continue to be incorrectly used on many farms.
- B. ATVs can be hazardous to operate. They handle differently than other vehicles, including motorcycles and cars. A collision or over-turn can occur quickly, even during routine maneuvers such as turning and driving on hills or over obstacles.
- C. Discuss cause and effect. Explain the consequences of bad decisions such as not following the safety rule of wearing a helmet. Highlight that brain injuries are often permanent and discuss disabilities associated with brain trauma. Many people have become paralyzed or suffered severe internal injuries because of improper operation of ATVs.
- D. Discuss increased risks of injuries when not wearing a ATV helmet. Discuss the value of a helmet that fits properly. This discussion will include the value of this intervention, selecting the right size helmet, and properly fitting it. Remind young riders to wear their helmet all the time. They may not know that most injuries occur during off road driving.
- E. Talk about peer pressure. What do they like or dislike about wearing a helmet. What is it like to be the only one wearing a helmet?

Resources

1. **Brain Molds** – The gelatin brain plastic brain molds are available from:

Oriental Trading Company
 P.O. Box 3407
 Omaha, NE 68103-0407
 Phone 1-800-228-0475
 Items #25-1706 pricing \$3.95 plus shipping and handling

Anatomical Chart Company
 8221 Kimball Ave.
 Skokie, IL 60076-2956
 Phone 1-800-621-7500
 Item #21013 pricing \$11.95 plus shipping and handling

2. **NAGCAT Guidelines** – Adults can use the North American Guidelines for Children’s Agricultural Tasks to match a child’s physical and mental abilities with the tasks involved in completing different agricultural jobs. Detailed information can be located at www.nagcat.org.
3. **Resource Guide** 2nd Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.

ATV WISE GUYS

Learning Objectives

After completing this station, participants should be able to:

1. Identify safe and responsible use of ATVs, including wearing proper protective gear.
2. Identify hazards associated with ATVs.
3. Understand that while ATVs can perform as valuable farm equipment, they are not “farm play things.”
4. Explain why ATVs must be the “right-size” for the operator.
5. Understand that ATV instructional classes are available through dealers and should be completed before operating a vehicle.
6. Identify state ATV laws.

Safety Requirements

1. ATVs should be moved to and removed from demonstration when participants are NOT present.
2. Only move ATVs if necessary as part of the demonstration. Participants must be supervised and be 20 feet behind a designated safety zone such as a rope or yellow safety tape.
3. Instructor should keep ATV keys with them at all times. Do not leave the keys in the ATV.
4. Make sure ATV parking brake is set when unit is parked. Chock wheels for safety.
5. Participants cannot operate ATVs.
6. If allowed to sit on an ATV, participants should have one-to-one supervision with the other participants behind the safety zone.
7. Instructors can operate ATVs if they are the appropriate age for the ATV and instructor operating ATVs must wear recommended safety gear.
8. If an ATV is started for demonstration purposes, have three instructors present: one to operate, one to instruct and one to patrol the

GROUP - DEMONSTRATION

area for safety. Both the instructor and the operator should be the appropriate age.

9. ATVs cannot be operated within 20 feet of participants. Participants should be kept behind the designated safety zone barrier.

Age-Appropriateness

This activity is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

These ages should not be driving other vehicles so will not understand a comparison to driving motorcycles or cars. Stress instead the speed and limited control. Children between the ages of seven and ten are still developing their speed-distance-time awareness. They need to understand that the ATV will be going much faster than they can run or ride a bicycle.

Younger participants may not be clearly identifying left and right. When explaining shifting weight, talk about shifting on the seat in the direction of where you are turning. Use your body and lead the group in practice turns.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual.

Suggested Instructors

Certified ATV instructor or an individual that has completed a rider course.

Equipment/Supplies Needed

1. Two ATVs of different sizes one 90cc or smaller and one over 90cc (3 and/or 4 wheeler)
2. Protective equipment, such as knee pads, gloves, and helmet
3. A manikin to wear protective gear. (Optional)

Subject Outline

I. Introduction/Capture Their Attention

- A. Introduce yourself and tell about your role operating ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you operate ATVs? What do you use them for? How often? How many of you are passengers on ATVs? Do you know of anyone who has been injured on an ATV? What happened?
- C. You may want to start with a personal story or experience.
- D. You may want to invite a person who has had an injury from operating ATVs to share his or her experiences. Make sure that you communicate to your guest your lesson plan and the time allotted prior to the camp. This will allow the guest to prepare and help them to stay within his or her allotted time to talk.
- E. Discuss unfamiliar terminology. Many individuals do not know that the acronym 'ATV' means, All Terrain Vehicle.

II. Activity/Demonstration

- A. Preparation
 - 1. Set-up ATV equipment prior to the participants arriving.
 - 2. Display protective gear on a manikin or a volunteer (adult). You may want to create a way that the manikin is standing up right.
- B. Review the proper protective gear to wear.
- C. Review the types of ATVs and their safety features.
- D. Review your states specific ATV roadway laws.
- E. Demonstrate age and size appropriateness as an example: from the back portion of the seat, they should be able to reach the handle bars and foot pegs comfortably.

III. Discussion Points

- A. General Points
 - 1. The Consumer Product Safety Commission has concluded that all terrain vehicles may present a risk of severe injury and death.

2. Many people have become paralyzed or suffered severe internal injuries because of improper operation of ATVs.
3. Every month, thousands of people are treated in hospital emergency rooms for injuries received while operating ATVs.
4. ATVs can be hazardous to operate. They handle differently than other vehicles, including motorcycles and cars. A collision or overturn can occur quickly, even during routine maneuvers such as turning and operating on hills or over obstacles.
5. Before operating an ATV, you should carefully read the owner's manual, read warning labels on the vehicle, and attend an ATV instructional class. Instructional classes are available through a local dealer. Heed all warnings!
6. ATVs are intended for off-road use only! ATVs are not designed for operation on highways and may be difficult to control on any paved surface.

B. Protective Gear

Safe operation of ATVs requires that the rider wear protective clothing. Although complete protection is not possible, knowing what to wear and how to wear it can make a rider more comfortable and reduce the chance of injury. The following protective gear should be worn whenever riding an ATV:

1. Helmet – The most important piece of protective gear. The helmet should meet or exceed the Department of Transportation standards. Let participants know how to determine whether or not a helmet meets or exceeds standards. It should fit snugly and be securely fastened.
2. Eye Protection – A clear field of vision is required to ride safely. Select goggles or a face shield to protect the eyes without obstructing fields of vision. Regular sunglasses do not provide proper protection. Protective eyewear should be:
 - a. Free from scratches and bear the markings VESC8, V-8, or Z87.1 in one corner or should be constructed of hardcoated polycarbonate.
 - b. Securely fastened.
 - c. Well-ventilated to prevent fogging.
 - e. Tinted for riding on bright days. A yellow tint is best for overcast days.

3. Clothing – Examples of proper protective attire include:
 - a. A pair of good gloves to increase grip while protecting hands from potential injuries.
 - b. A pair of strong over-the-ankle boots with low heels.
 - c. A long-sleeved shirt and long pants.
 - d. Shin guards and chest/shoulder protectors if riding over rough-terrain or racing.

C. Safe ATV Operation Procedures

1. Discuss examples of safe operating practices. Age and size appropriateness:
 - a. From the back portion of the seat can they reach the handlebars and foot pegs comfortably?
 - b. Depending upon age of participants, you discuss weight-shifting issues.
 - c. Do they have proper grip, throttle, and brake reach.
2. Discuss safe ATV operation on different types of terrain.
 - a. Weight should be shifted to the front of the seat while going up an incline.
 - b. Weight should be shifted to the rear of the seat while going down an incline.
 - c. When making a left turn the weight should shift to the left.
 - d. When making a right turn the weight should shift to the right.
3. Discuss different sizes of ATVs and why some machines are not appropriate for children under certain ages. The discussion should include an explanation of why size is so important to safety and why the incorrect size poses special risks.

ATV Engine Size: Recommended Operator Age:	
Under 70 cc	6 years and older
70 cc to 90 cc	12 years and older
Over 90 cc	16 years and older

4. Explain differences between three- and four-wheel ATVs, dangers of operation, and special precautions to be taken for each type of vehicle.

5. Remind participants to take additional certified ATV training before operating an ATV.
6. No passengers. Do not ride double. ATVs are designed for one operator and no passengers to allow for the operator to be 'Rider Active' (Shifting weight from the front of the seat to the rear or left to right while turning.) Passengers impair the operator's ability to shift weight in order to steer and control the ATV.

Resources

1. **National 4-H ATV Program** – The 4-H Community All Terrain Vehicle (ATV) Safety Program offers resources and training to help you address ATV safety issues in your community. Many of the resources are available for little or no charge. Check their Website www.atv-youth.org/ for materials and program information.
2. **National ATV Safety Institute** – The ATV Safety Institute (ASI) is a nonprofit division of the Specialty Vehicle Institute of America (SVIA). They provide all-terrain vehicle safety education and awareness. Check their website www.atvsafety.org for materials and program information.
3. **NAGCAT Guidelines** – Adults can use the North American Guidelines for Children's Agricultural Tasks to match a child's physical and mental abilities with the tasks involved in completing different agricultural jobs. Detailed information can be located at www.nagcat.org.
4. **Resource Guide** 2nd Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.

STOP! DON'T USE YOUR HEAD!

Learning Objectives

After completing this activity the participants should be able to:

1. Understand the importance of wearing a helmet.
2. Understand the importance of wearing a helmet that fits.
3. Understand the fragile nature of the human brain.

Safety Requirements

1. Make sure the helmet you use for your demonstration is an old helmet. It will be dropped several times and once helmets have come into contact with a hard surface they lose their viability. This helmet is NOT to be used to protect one's head once the demonstration is complete.
2. Create a splash zone. Practice your demonstration prior to the camp to determine the splash zone.
3. Use proper ladder safety if using a step ladder to reach an elevated height.

Age Appropriateness

This activity is entirely appropriate for participants ages seven through fourteen. When discussing general points, stress the dangers that ATV operation present. Participants may be fearless and thrill seekers.

The depth of content and the discussion needs to be tailored to the level of understanding of the group. Refer to the "Teaching Tips" and "Childhood Growth and Development" located in the Teaching Kids section of the manual for teaching how to deal with peer pressure.

Suggested Instructors

Certified ATV instructor or an individual that has completed a rider course.

Equipment/Supplies Needed

1. ATV helmet
2. Hard surface: Concrete, dry ground, or plywood

3. Two or three hard/nonripe cantaloupes
4. Ripe cantaloupes, Make sure you have enough for each session you are teaching.
5. Watermelon, Make sure you have enough for each lesson you are teaching.

Subject Outline

I. Introduction/Capture Their Attention

- A. Introduce yourself and tell about your role driving ATVs or teaching ATV safety.
- B. Find out about your audience. Ask questions: How many of you ride an ATV? How many wear helmets? Have you ever injured on an ATV? Do you know of anyone who has been injured on an ATV? What happened?
- C. You may want to start with a personal story or experience.
- D. Have a sports figure discuss the value of a helmet, for example in football or hockey. This can make a lasting impression. Make sure that you communicate to your guest your lesson plan and the time allotted prior to the camp. This will allow the guest to prepare and help them to stay within his or her allotted time to talk.

II. Activity/Demonstration

- A. Using cantaloupes:
 1. Preparation: Set up an area that has a hard foundation such as a concrete surface or plywood. Put a hard/none ripe cantaloupe in an ATV helmet. Make sure your helmet is an old one.
 2. Drop a ripe cantaloupe, using a little force, onto the hard surface. The cantaloupe should burst open.
 3. Drop the helmet with the cantaloupe in it. The cantaloupe should not break.
 4. Explain to participants that the cantaloupe is like their brain on the road or ground if they were to hit their head while operating an ATV without wearing a helmet.

B. Using watermelon:

1. Identify a hard surface such as concrete, plywood, or the ground
2. Drop the watermelon at least four feet off the ground, using a little force (The watermelon should break creating a large mess.)
3. Explain to the participants that the watermelon is like their brain on the road or ground if they were to hit their head while operating an ATV without wearing a helmet.

III. Discussion Points

- A. Discuss cause and effect. Explain the consequences of bad decisions such as not following safety rules. Highlight that brain injuries are often permanent and discuss disabilities associated with brain trauma.
- B. Discuss increased risks of injuries when not wearing an ATV helmet. Discuss the value of a helmet that fits properly. This discussion will include the value of this intervention, selecting the right size helmet, and properly fitting it. Remind young riders to wear their helmet at all times. They may not know that most injuries occur during off road driving.
- C. Talk about peer pressure. What do they like or dislike about wearing a helmet. What is it like to be the only one wearing a helmet?

Resources

1. **National 4-H ATV Program** – The 4-H Community All Terrain Vehicle (ATV) Safety Program offers resources and training to help you address ATV safety issues in your community. Many of the resources are available for little or no charge. Check their Website www.atv-youth.org/ for materials and program information.
2. **National ATV Safety Institute** – The ATV Safety Institute (ASI) is a nonprofit division of the Specialty Vehicle Institute of America (SVIA). They provide all-terrain vehicle safety education and awareness. Check their website www.atvsafety.org for materials and program information.
3. **NAGCAT Guidelines** – Adults can use the North American Guidelines for Children's Agricultural Tasks to match a child's physical and

mental abilities with the tasks involved in completing different agricultural jobs. Detailed information can be located at www.nagcat.org.

4. **Resource Guide** 2nd Edition, Partners for a Safer Community Revised 1999 pages 23 and 24.

12-12-05

Office of the Secretary
Consumer Product Safety Commission
Room 502
4330 East-West Highway
Bethesda, Maryland 20814-4408

Dear Commissioners,

ATV accident and fatality rates by young riders is a problem and I would like to share my personal observations and ideas.

- Youth have been riding full size ATVs, they are currently riding full size ATVs, and they will continue to ride full size ATVs.
- Lack of hands on training is the single biggest contributing factor to accidents and fatalities.
- The current system of training children is a joke, bottom line they are **NOT receiving training**, and I will dispute those that say otherwise.
- We have been doing the same old thing for seventeen years, if we continue to do the same old thing and expect different results, that is insanity.

The #1 reason youth don't receive training is the current age/cc guidelines.

Families don't support, or believe the current age/cc guidelines are realistic. At home young riders ride any size ATV that is available. Because many parents disagree with the age/cc guidelines, they also question all the warned against activities as well. They think it's perfectly ok to ride without a helmet, riding double is just fine and why would youth even think about only riding an ATV 90cc or less?

The CPSC should adopt the same or similar guidelines as Utah. They have been training youth over the age of 8, for seventeen years and they don't have the youth accidents and fatalities that other states do. They train youth on the ATVs they will be riding. Other states adopt training requirements, but stipulate the same old age/cc guidelines that don't work. The states can say they are "training" the kids, but the bottom lines is accident and fatalities have not changed. The problem is the age/cc guidelines not the ATV and not youth riders.

Thank you for your time and consideration; this is an important decision that needs to be made.

Sincerely,



Doug Morris
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Pickerington, OH 43147
Cell 614-499-0098

10911 Wickshire Way
Rockville, MD 20852
December 13, 2005

Mr. Todd Stevenson, Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Dear Mr. Stevenson:

This brief correspondence is in response to the Consumer Product Safety Commission (CPSC) October 14, 2005, Federal Register notice inviting comments on approaches that could reduce deaths and injuries on vehicles that are inappropriately marketed as ATVs.

On April 4 of this year, in comments submitted to a staff briefing package on the 2002 petition from the Consumer Federation of America and others, I noted that almost 5800 deaths had been associated with ATV riding since 1982. Five months later in September the Commission report, *2004 Annual Report of ATV Deaths and Injuries*, notes that the number has risen to 6,494 deaths. Similarly, where in 2003 there were 125,500 injuries treated in emergency rooms, in September 2005, the CPSC reports that there were 136,100 in 2004. Since the 125,500 emergency room treated injuries suggested about 345,000 medically treated injuries, the 136,100 emergency room treated injuries in 2004 suggests that there were about 490,000 medically treated injuries that year.

If the Commission is serious about addressing the hazards with these vehicles, the approach should be different than that pursued to date, including many of the alternatives mentioned in the October 14 FR notice. In fact, the very nature of the product needs to be considered and, perhaps, the question of agency jurisdiction to deal with the safety problem should be reviewed. That hazards continue and that the Commission seems to be hog tied trying to address the rising deaths and injuries suggests that the staff, the Commissioners, and various petitioners asking for action have been going in the wrong direction with the wrong regulatory arsenal to deal with the problem.

Because consumers buy these vehicles, it is assumed they are consumer products. Since the injured show up in the CPSC National Electronic Injury Surveillance System and fatalities show up in the death collection files of the CPSC, CPSC has been the agency dealing with the safety problems. If the products had been sold to consumers as recreational products rather than the utility vehicles that they actually are, regulatory jurisdiction may lie elsewhere.

There is a basic problem to the Commission's approach in dealing with the product's hazards. The problem is obvious in the Commission's first sentence of the **Summary** of the FR notice - "*The Commission is considering whether there may be unreasonable risks of injury and death associated with some all terrain vehicles ("ATVs").*" The Commission must stop referring to the vehicle by the misleading name the industry has given it. The sentence should read, "The Commission is considering whether there may be unreasonable risks of injury and death associated with *some* terrain vehicles ("STVs")." And, STVs, like STDs, can be dangerous to your health.

The vehicles are simply not all-terrain vehicles. Some warning labels make that very clear. Consider:

- "**WARNING POTENTIAL HAZARD** Operating this ATV on paved surfaces. **WHAT CAN HAPPEN** The ATV's tires are designed for off-road use only, not for use on pavement. Paved surfaces may seriously affect handling and control of the ATV, and may cause the vehicle to go out of control. **HOW TO AVOID THE HAZARD** Never operate the ATV on any paved surfaces, including sidewalks, driveways, parking lots, and streets."
- "**WARNING POTENTIAL HAZARD** Failure to use extra care when operating on excessively rough, slippery or loose terrain. **WHAT CAN HAPPEN** Could cause loss of traction or vehicle control, which could result in an accident, including an overturn. **HOW TO AVOID THE HAZARD** Do not operate on excessively rough, slippery or loose terrain until you have learned and practiced the skills necessary to control the ATV on such terrain. Always be especially cautious on these kinds of terrain."
- "**WARNING POTENTIAL HAZARD** Failure to use extra care when operating this ATV on unfamiliar terrain. **WHAT COULD HAPPEN** You can come upon hidden rocks, bumps, or holes, without enough time to react. Could result in the ATV overturning or going out of control. **HOW TO AVOID THE HAZARD** Go slowly and be extra careful when operating on unfamiliar terrain. Always be alert to changing terrain conditions when operating the ATV".

In addition, these vehicles are not recreational vehicles. They are utility vehicles and should be limited to being marketed as such. These vehicles, like farm tractors, are very useful utility vehicles that have a place in the market. The recreational use of STVs, however, is not a practical or safe form of activity. Many people have been lured by advertisements and marketing practices into purchasing and riding these vehicles without awareness of possible consequences. Consumers are not aware of the large risks of death and injury associated with recreational use of these vehicles; nor are they likely to know of the enormous expected economic losses that result from incidents with the vehicles. The societal cost of deaths and injuries is approximately \$20 billion annually or over \$20,000 per vehicle sold.

To continue to advertise these vehicles as recreational products is a deceptive and unfair business practice under Section 5 of the Federal Trade Commission Act. The Federal Trade Commission (FTC) issued a Deceptive Policy Statement on October 14, 1983. According to that statement, "an ad is deceptive if it contains a statement or omits information that is likely to mislead consumers acting reasonably under the circumstances; and is "material" –that is, important to a consumer's decision to buy or use the product."

According to the statement, "an ad or business practice is unfair if it causes or is likely to cause substantial consumer injury which a consumer could not reasonably avoid, and it is not outweighed by the benefit to consumers." The FTC examines whether the marketing claim by sellers is important to a consumer's decision to buy or use a product and whether what is not said leaves consumers with a misimpression of the product.

On all counts the marketing of these vehicles is deceptive. Consumers are lured by the all-terrain name into thinking they can ride anywhere and they are deceived by not having important risks and expected economic loss information available at the time of purchase.

Therefore, I recommend that the Commission consult with the FTC and collaborate to end the deceptive practice of marketing these utility vehicles as recreational products. The Commission has sufficient evidence in hand to put before the FTC support the argument that consumers have been convinced by deceptive marketing that the vehicles are recreational products and that they have suffered substantial consumer injury as a result.

Pursuing activities to halt the sale of these vehicles as recreational products is likely to take considerable time. To minimize the continuing trend of increasing deaths and injuries with these products, the Commission should take action on some of the suggestions that I put forth in my comments of April 4, 2005.

The five alternatives listed in the October 14 FR notice will not be effective in addressing the risk of death and injury with these vehicles. Rulemaking directed at children riding the vehicles diverts attention from the hazard presented to recreational users of all ages. Voluntary standards aimed at equipment, configuration, and performance similarly avoid the basic problem of the nature of the product. Case-by-case corrective actions, under Section 15 of the CPSA, are resource wasting activities. The alternative requiring the submission of performance and technical data by manufacturers should be rewritten to require death and injury data and expected economic loss data be given to potential purchasers. If there is to be an information and education program, it should consist of informing the public of why the purchase of the vehicles for recreational use is a mistake.

After more than twenty years of analysis, the staff and the Commissioners should have a better idea of what the problem is and what the solution is. The "all terrain vehicle" is not a consumer product; it is a utility vehicle that can be used on limited types of terrains

and surfaces. When making comparative risk assessments, it should not be compared with activities such as team sports and cycling which have positive health benefits associated with them. Sitting on an unstable machine designed for occupational type chores can only raise one's heart rate into a healthy zone if the dangers associated with the product are known.

If there are any questions about this submission, please feel free to call me at 301-231-7944 or e-mail (wjprunella@comcast.net).

Sincerely,

Warren J. Prunella

cc: Secretary, Federal Trade Commission